

1 PHILLIP A. TALBERT  
United States Attorney  
2 JUSTIN J. GILIO  
ANTONIO J. PATACA  
3 Assistant United States Attorneys  
2500 Tulare Street, Suite 4401  
4 Fresno, California 93721  
Telephone: (559) 497-4000  
5 Facsimile: (559) 497-4099  
Attorneys for Plaintiff  
6 United States of America

7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 v.  
12 PEDRO DURAN,  
13 Defendant.  
14

CASE NO. 1:20-CR-00096-JLT-SKO

STIPULATION TO VACATE TRIAL AS TO  
ADRIAN LOPEZ AND SET CASE FOR CHANGE  
OF PLEA AND ORDER THEREON

Court: Hon. Jennifer L. Thurston

15 **STIPULATION**

16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
17 through defendant's counsel of record, hereby stipulate as follows:

18 1. By previous order, this matter was set for a trial on May 9, 2023, at 8:30 a.m.  
19 2. By this stipulation, defendant now moves to vacate the trial and to **set the case for a**  
20 **change of plea hearing on May 1, 2023 at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The  
21 proposed change of plea date represents the earliest date that all counsel are available, taking into  
22 account counsels' schedules, defense counsels' commitments to other clients, and the court's available  
23 dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611,  
24 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic,  
25 an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have  
26 been encouraged to telework and minimize personal contact to the greatest extent possible.

27 3. The parties note that time has already been excluded beyond May 1, 2023, and therefore  
28

no further exclusion of time is necessary.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 27, 2023

PHILLIP A. TALBERT  
United States Attorney

By: /s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
Assistant United States Attorney

Dated: March 27, 2023

/s/ Anthony Capozzi  
Attorney for Defendant Pedro Duran

**ORDER**

IT IS SO ORDERED.

Dated: March 27, 2023

  
UNITED STATES DISTRICT JUDGE